

**REGULAR MEETING
ENFORCEMENT AND RESOURCE PROTECTION
NOVEMBER 19, 2008 – 3:00 P.M.
TRIBAL OFFICE BOARDROOM**

1. Chairman Kenneth A. Fish called the meeting to order at 3:03 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Kenneth A. Fish, Lisa S. Waukau, Walter Cox, Mark Waukau (late), Toni Caldwell (late), Barb Nelson, Lynnette Miller, Jonathan Pyatskowit and Gregory Askenette. MEMBERS ABSENT: Robert Summers. Also present: Lindzey Grall, Rebecca Loudbear, Warren Warrington and Linda Peters, recorder.

(Mark Waukau entered the meeting at 3:05 p.m.)

2. Moment of Silence. A moment of silence was observed.
3. Approval of Minutes dated October 15, 2008 and October 27, 2008.

OCTOBER 15, 2008

The minutes need to be corrected to reflect that the Legislature discussed “Invasive species”.

Motion made by Lynnette Miller to approve the minutes dated October 15, 2008 with any corrections. Second was by Lisa S. Waukau. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions and 2 absent (Summers and Caldwell).

OCTOBER 27, 2008

The minutes need to be corrected to reflect that “Jonathan” Pyatskowit adjourned the meeting.

(Toni Caldwell entered the meeting at 3:06 p.m.)

Motion made by Lisa S. Waukau to approve the October 27, 2008 special meeting minutes with any corrections. Second was by Gregory Askenette. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (Summers).

4. Tow Guidelines Policy.

The legal responses to the committee questions were not answered at this time.

Motion made by Lisa S. Waukau to table this item. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (Summers).

5. Ordinance 08- ____ Jury, Witness and Victim Tampering:
Discussion/Recommendations.

The committee needed clarification on the penalty section. The ordinance has been set up to state that if you are convicted of this crime, you will be charged the same penalties as the perpetrator.

Toni Caldwell informed the committee that she reviewed this proposed ordinance with the tribal judges and they questioned Section 5 (e).

Section 5 (e) was discussed by the committee:

“ In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a PREPONDERANCE OF THE EVIDENCE, that the conduct consisted solely of lawful conduct and that the defendant’s sole intentions was to encourage, induce, or cause the other person to testify truthfully”.

The committee discussed if the language PREPONDERANCE OF THE EVIDENCE or CLEAR AND CONVINCING should be used for this subsection.

Toni Caldwell will take this proposed ordinance back to the law staff for further discussion. Rebecca Loudbear will research the affirmative defense wording from other documents and bring suggestions back to the committee.

Motion made by Lisa S. Waukau to table this item. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (Summers).

6. Amendment to Sexual Abuse of a Child Ordinance 99-19:
Discussion/Recommendations.

The committee discussed Banishment on all penalty degrees for this ordinance. The committee will pass this ordinance and will amend the ordinance to include the banishment ordinance when it is ready

Motion made by Lisa S. Waukau to approve the Amendment to Ordinance 99-19 Sexual Abuse of a Child onto the Menominee Tribal Legislature for first consideration. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 1 abstention (Waukau) and 1 absent (Summers).

7. Amendment to Sexual Abuse Ordinance 99-20: Discussion/Recommendations.

The committee discussed the 4 year age difference and different scenarios that could affect individuals that could potentially be charged.

It was also noted that this type of information should be submitted to the school's liaison officer and he can make this information available to our 18 year olds.

Motion made by Lisa S. Waukau to approve the Amendment to Ordinance 99-20 Sexual Abuse Ordinance onto the Menominee Tribal Legislature for first consideration. Second was by Lynnette Miller. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 1 abstention (Waukau) and 1 absent (Summers).

It was suggested that the Legal Department work on the Banishment ordinance for both sexual abuse ordinances.

Motion made by Lisa S. Waukau to have the legal department work on a Banishment Ordinance and bring back the proposal in 60 days. Second was by Gregory Askenette. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (Summers).

It was also noted for the record that Toni Caldwell submitted copies of these ordinances to the Multi-Disciplinary Team for their feed back.

8. Neopit Town Hall meeting: Discussion/Recommendations.

The Legislature is meeting on all the departmental ideas and suggestions and these suggestions will come back to this committee for further review. This agenda item will remain on the agenda.

Motion made by Toni Caldwell to table this item. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (Summers).

9. Monthly Narratives.

It was noted that in the Prosecutor's monthly report that the Domestic Violence Prosecutor's position is funded by the GEAP grant and it can only be funded for another 22 weeks. This is a vital position that the Tribe desperately needs. If the Tribe loses this position, it will leave the office shorthanded. This item will be forwarded to the Budget and Finance committee for further review.

Motion made by Lisa S. Waukau to refer the Domestic Violence Prosecutor's position to the Budget and Finance committee for further review. Second was by Barb Nelson. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 1 abstention (Caldwell-employment) and 1 absent (Summers).

10. Other Business.

Mark Waukau informed the committee that the Federal Court has ordered a defendant to serve over the recommended sentence of 62 months to 84 months. This was due to the seriousness of the crime. The defendant was just released from prison for manslaughter and then assaulted a tribal police officer.

11. Adjournment.

Motion made by Lynnette Miller/Jonathan Pyatskowit to adjourn the meeting.

Meeting adjourned at 4:20 p.m.

Respectfully submitted by,
Linda Peters, recorder
Chairman's Office